S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 28, 2014

Introduced by M. of A. PEOPLES-STOKES, SILVER, NOLAN, HEASTIE, TITUS, GUNTHER, LUPARDO, MAYER, CLARK, ROZIC, PERRY -- Multi-Sponsored by -- M. of A. DAVILA, FAHY, GALEF, JAFFEE, LAVINE, McDONALD, ROBINSON, SOLAGES, STECK -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to notice requirements to families and providers when funding cuts are made

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 34-a of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (A) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR FINANCIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR CHILDREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND ITS CONSOLIDATED SERVICES PLAN, SUBMITS AN ANNUAL PLAN UPDATE, OR TAKES ANY OTHER ACTION THAT WOULD LOWER THE FINANCIAL ELIGIBILITY LEVEL FOR CHILD CARE ASSISTANCE SO THAT FAMILIES RECEIVING SUBSIDIES WOULD LOSE ELIGIBILITY THEREFORE, THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT FACT AT LEAST SIXTY DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHANGE IN ELIGIBILITY LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST NOTICE OF THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN FIVE DAYS OF RECEIVING SAID NOTICE, AND WITHIN TWENTY DAYS OF RECEIVING SAID NOTICE SHALL NOTIFY ALL LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL AGENCY, THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY, AS WELL AS ALL CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT. SAID NOTICE MAY BE MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A LETTER OR POSTCARD, AND SHALL INFORM THE RECIPIENT OF THE DATE OF THE PROPOSED CHANGE AND A DESCRIPTION OF THE PROPOSED CHANGE. THE NOTICE SHALL ALSO REQUIRE THAT CHILD CARE PROVIDERS THAT RECEIVE THE NOTICE IMMEDIATELY POST THE NOTICE IN A PLACE WHICH IS LIKELY TO BE SEEN BY THE FAMILIES WHO HAVE CHILDREN IN THE PROVIDER'S CARE AND THAT CERTIFIED EMPLOYEE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT POST THE NOTICE ON THEIR OFFICIAL WEBSITE. THIS NOTICE SHALL NOT BE CONSIDERED AS A SUBSTITUTE FOR ANY NOTICE TO PARENTS WHICH IS REQUIRED BY LAW.

(B) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR FINANCIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR CHILDREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND ITS CONSOLIDATED SERVICES PLAN OR TO SUBMIT AN ANNUAL PLAN UPDATE THAT INCREASES THE PARENTAL CO-PAYMENT MULTIPLIER FOR CHILD CARE ASSISTANCE SO THAT FAMILIES RECEIVING SUBSIDIES WOULD PAY AN INCREASED PERCENTAGE OF THEIR INCOME AS A CHILD CARE CO-PAYMENT, THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT FACT AT LEAST SIXTY DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHANGE IN ELIGIBILITY LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST NOTICE OF THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN FIVE DAYS OF RECEIVING SAID NOTICE, AND WITHIN TWENTY DAYS OF RECEIVING SAID NOTICE SHALL NOTIFY ALL LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL AGENCY, THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY, AS WELL AS ALL CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT. SAID NOTICE MAY BE MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A LETTER OR POSTCARD, AND SHALL INFORM THE RECIPIENT OF THE DATE OF THE PROPOSED CHANGE AND A DESCRIPTION OF THE PROPOSED CHANGE. THE NOTICE SHALL ALSO REQUIRE THAT CHILD CARE PROVIDERS THAT RECEIVE THE NOTICE IMMEDIATELY POST THE NOTICE IN A PLACE WHICH IS LIKELY TO BE SEEN BY THE FAMILIES WHO HAVE CHILDREN IN THE PROVIDER'S CARE AND THAT CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT POST THE NOTICE ON THEIR OFFICIAL WEBSITE. THIS NOTICE SHALL NOT BE CONSIDERED AS A SUBSTITUTE FOR ANY NOTICE TO PARENTS WHICH IS REQUIRED BY LAW.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.